



**Paul J. VanBlarcum**  
Sheriff

OFFICE OF THE  
**SHERIFF**  
**ULSTER COUNTY**

Ulster County Law Enforcement Center  
380 Boulevard, Kingston, NY 12401

[www.co.ulster.ny.us/sheriff](http://www.co.ulster.ny.us/sheriff)

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**Frank P. Faluotico, Jr.**  
Undersheriff

**Michael O. Freer**  
Captain / Criminal Division

**James R. Hanstein**  
Superintendent / Corrections Division

Received & Inspected

JAN 27 2014

FCC Mail Room

January 16, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW,  
Room TW-A325  
Washington, DC 20554

**Re: WC Docket No. 12-375**

Dear Secretary Dortch:

As the Sheriff of Ulster County, New York, I am writing to support the Petition for Stay filed by the Correctional Institutions in the above-referenced docket on November 12, 2013. The September 26, 2013 Order adopted by the Federal Communications Commission ("FCC"), drastically changes what rates may be charged for inmate calling services ("ICS") and how those rates are to be calculated. While I share the FCC's concerns about the ability of inmates to communicate with their loved ones, as Sheriff I cannot support the approach taken by the FCC in the Order. Additionally, I want to comment on the proposal of the FCC to treat all inmate calls as interstate calls, thus triggering any caps or limitations not only on state-to-state calls, but on any calls that an inmate makes from a county jail.

Both the Order and the proposal to treat all inmate calls as interstate calls severely compromise the ability of corrections officials to manage and oversee public safety and security in our county jails. They also intrude upon state and local prerogatives. In New York State, the county sheriffs and other local law enforcement personnel are empowered under NYS law to establish and implement policies aimed at the orderly and proper functioning of their jails. The Order and the FCC proposal impermissibly interfere with public safety matters within the exclusive providence of state and local corrections officials and particularly with my duties in Ulster County to maintain a safe and secure jail.

One such matter is controlling inmate communications. Corrections officials must ensure that essential security features are in place to safeguard against prisoner misuse of telephone privileges for illicit purposes. The security features associated with ICS are a

Area Code 845	
Administration	340-3802
Criminal Division	338-3640
Corrections Division	340-3644
Civil Division	340-3643
Pistol Permits	340-3639
Crime Tips Hotline	340-3599
Fax (Administration)	331-2810
Fax (Criminal Division)	340-3718
Fax (Corrections/Records)	340-3468
Fax (Corrections/Booking)	340-3436
Fax (Civil Division)	334-8125
Fax (Detectives)	340-3588



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vital tool for law enforcement to combat continued criminal activity inside and outside correctional facilities. Voice and call frequency monitoring ensure that incarcerated persons are not misusing the telephone services to commit crimes outside the facility's walls. Other security features inherent in ICS systems provide tools to protect corrections personnel and the jail population generally by preventing escapes and smuggling of contraband, orchestration of violent crime against prison officials and those outside the prison walls, and communications between prison gangs and their cohorts outside the facility.

The expense associated with these critical security features cannot be minimized. Security costs are built into the individual ICS rate structure of each correctional facility based on the specific needs and requests of that particular facility. The new rate caps adopted by the FCC will make the deployment of safety and security features economically infeasible for NYS county jails. ICS providers may be forced to abandon more effective and advanced security features now available at county correctional facilities, because the cost is not recoverable.

The FCC's decision to cap interstate and intrastate ICS rates also will significantly reduce the commissions that many NYS county jail facilities receive pursuant to their contracts with ICS providers. County jails rely on commissions to fund critical inmate programs that benefit both the individual inmates and public at large. Ulster County uses those funds for programs and services, such as law libraries and other periodicals for inmates as well as other safety-related equipment. The ability to maintain these services at the current level to reduce recidivism and enhance safety both in the jails and in the communities is critical.

In times of shrinking budgets at the Federal, State and County levels, local officials can continue to offer these important services *only* if they receive adequate funding. Since no other outside funding is available for counties to continue these programs, the elimination of ICS commissions resulting from the FCC's new rate caps will significantly impact the welfare of inmates and the public in Ulster County.

Prior to implementing any proposed rules, the FCC should ask itself whether it has thought through the potential and realistic impact of its proposed rule changes which reduce a revenue stream for the county jails to continue to provide inmate programs and enhanced jail and public safety.

I ask the FCC to stay implementation of the Order pending judicial review until these issues can be fully answered, and further not to extend its jurisdiction and order to intrastate calls. I believe that we have made a compelling demonstration of how the Order and proposal negatively affect the safety and security of our jail, our inmates and staff, and the community at large, as well as our ability to continue offering vital services to inmates. I strongly urge the FCC to grant this petition and further review the effect the Order will have on correctional facilities in Ulster County and all correctional facilities nationwide.

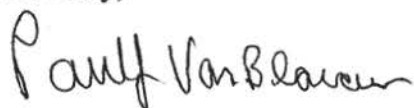
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I can be contacted at (845) 340-3303 (o), (845) 594-8188 (c), or pvan@co.ulster.ny.us for further comments. Thank you for your consideration.

Sincerely,



Paul J. VanBlarcum  
Sheriff

cc.     Senator Kirsten Gillibrand  
         Senator Charles Schumer  
         Congressman Chris Gibson  
         Ulster County District Attorney D. Holley Carnright  
         Ulster County Legislature Chairman John Parete

